

Appl. No. 09/297,774
Docket No. JA-179
Response dated December 5, 2012
Reply to Non-Compliant Amdt. mailed on November 26, 2012
Customer No. 27752

REMARKS

Claim Status

It is believed that claims 14, 16-20 and 23-28 are currently pending in the present application. Claims 24-28 (added in the October 17, 2011 amendment) were not addressed in the Office Action of August 31, 2012. Applicants assume that these claims were overlooked by the Office, but would like clarification as to if these claims are allowable or currently face a rejection. Claims 14 and 23 are amended herein to clarify that the securement member comprises hooks of a hook and loop type fastening system and that the hooks are utilized to engage the nonwoven web when disposing of a soiled diaper. Support for the amendment can be found at least on page 5, lines 22-25 and page 10, lines 19-26 of the originally filed specification. It is believed this change does not involve any introduction of new matter. No additional claims fee is believed to be due. Consequently, entry of this change is believed to be in order and is respectfully requested.

Rejections Under 35 USC §103(a)

Claims 14, 16, 19-20 and 23 have been rejected under 35 USC §103(a) as being unpatentable over Austin et al. (US 5543206) in view of Buell et al. (US 5569234). Claims 17 and 18 have been rejected under 35 USC §103(a) as being unpatentable over Austin et al. in view of Buell et al. and further in view of Willey et al. (US 5494736). Applicants respectfully traverse these rejections, as the references do not teach or suggest all of the claim limitations of the present claims, as required in MPEP 2143.03. Specifically, the combination of Austin et al., Buell et al. and Willey et al. does not teach or suggest, *inter alia*, a disposable absorbent article comprising a pair of side panels that each comprise a securement member of a fastening system, wherein each securement member comprises hooks of a hook and loop type fastening system, wherein the hooks of the securement member are utilized to engage the nonwoven web when disposing of a soiled diaper, as required in Applicants' amended claims. Moreover, the

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combination of Austin et al., Buell et al. and Willey et al. does not teach a disposable absorbent article that comprises a backsheet comprising a plastic film and a nonwoven web, wherein the plastic film is disposed only in a containment assembly area of the disposable absorbent article, and the nonwoven web is joined to the outer surface of said plastic film such that the nonwoven web covers the entire outer surface of the plastic film and is disposed on the containment assembly area and said side panel areas of the disposable absorbent article, as recited in Applicants' claim 14.

For at least these reasons, Applicants contend that a *prima facie* case of obviousness has not been established, the claimed invention is not obvious in view of the cited references, and the rejections should be withdrawn.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the amendments presented herein, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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